



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,022-G1)

PATENT

In the Application of: :
: Examiner: Cheu
R. Terry Dunlay, et al. :
: Art Unit: 1641
Serial Number.: 09/721,168 :
: :
Filed: November 22, 2000 :
: :
For: A System for Cell-Based Screening :

Mail Stop AF
Board of Patent Appeals and Interferences
PO Box 1450
Alexandria, VA 22313-14501

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Appeals from the Final Office Action dated April 7, 2004, of the finally rejection of claims 13-15, 21-25, and 28-31. The Applicants note that the final office action stated that the claims were allowable if the Applicants filed the required terminal disclaimer and amended the claims as suggested to overcome an indefiniteness rejection. The Applicants filed a response on July 7, 2004, in which the claims were put into condition for allowance, by entering the suggested amendments and filing the terminal disclaimer. Since the Applicants had put the application into condition for allowance, no notice of appeal was filed at the time of filing the response. However, no office action has been forthcoming from the Patent Office, and the examiner in this case, during a telephone interview with the Applicants' attorney, indicated that no office action would be mailed out prior to the 6 month date, and that a further search was being done in any event, despite the

10/08/2004 MAHMED1 00000054 132490 09721168

01 FC:1401 340.00 DA

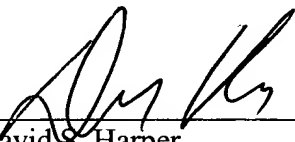
statement in the final office action regarding allowability of the claims. Thus, the Applicants are herewith filing the notice of appeal.

The item(s) checked below are applicable:

1. ☒ An extension of time (three-month) to file the notice of appeal required: a petition and fee of \$988.00 (Petition) and \$340.00 (Notice of Appeal) is enclosed.
 2. ☒ A timely response to the final rejection was filed on July 7, 2004.
 3. ☒ Fee \$1,328.00
 - ☐ Enclosed
 - ☐ Not required (fee paid in prior appeal)
 - ☒ The Commissioner is hereby authorized to Charge to our Deposit Account No. 13-2490 in the amount of \$1,328.00 for the petition fee and notice of appeal.
- ☒ **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:**
Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**.

Respectfully submitted,

Dated: October 6, 2004



David S. Harper
Registration No. 42,636

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive, Suite 3200
Chicago, Illinois 60606
Telephone No. 312-913-0001
Facsimile No. 312-913-0002